PCT/EP2003/012740

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference C2583001WOP00Gn	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/EP2003/012740	International filing date (*day/month/year*) 14 November 2003 (14.11.2003)	Priority date (*day/month/year*) 14 November 2002 (14.11.2002)
International Patent Classification (IPC) or national classification and IPC E01B 25/30		
Applicant CBP GUIDEWAY SYSTEMS GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand	Date of completion of this report
17 May 2004 (17.05.2004)	07 February 2005 (07.02.2005)
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

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International application No.
PCT/EP2003/012740

I. Basis of the report

1. This report has been drawn on the basis of (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

☐ the international application as originally filed.

☒ the description, pages 1-11, as originally filed,
pages _____, filed with the demand,
pages _____, filed with the letter of _____,
pages _____, filed with the letter of _____.

☒ the claims, Nos. 1-16, as originally filed,
Nos. _____, as amended under Article 19,
Nos. _____, filed with the demand,
Nos. _____, filed with the letter of _____,
Nos. _____, filed with the letter of _____.

☒ the drawings, sheets/fig 1/4-4/4, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-16	YES
	Claims		NO
Inventive step (IS)	Claims	1-16	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-16	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: DE-A-199 31 367
D2: DE-C-197 35 471
D3: DE-U-297 24 627

2. D1 is considered the prior art closest to the subject matter of claim 1. D1 discloses (cf. abstract, figure 1):

A functional plane support for a magnetic levitation guideway, wherein the functional plane support which defines a track has

a) a sliding surface 2
b) a lateral guide rail 9, 10
c) a stator support belt 23, 24, 25, 26 which accommodates stator stacks 27, 28 consisting of stator lamellas extending vertically and in the direction of travel, and
d) an assembly surface 11, 12 for coupling to a main support 1.

The subject matter of claim 1 differs therefore from

this known device in that the stator stack, firstly, has a hole which penetrates the lamellas substantially perpendicularly and, secondly, is connected to the stator support belt via a retaining element which penetrates the hole.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

3. The problem addressed by the present invention can therefore be considered that of increasing the space available between the active plane of the stator and the underside of the stator support belt.

4. The solution to this problem proposed in claim 1 of the present application involves an inventive step (PCT Article 33(3)) since the combination of features contained in claim 1 is neither known nor obvious from the available prior art.

In the guideway element of D2 (cf. figures 1 and 2), the stator stacks 5 are secured positively to a belt-like stator support 8 by means of crossbar-like connection elements 9 which engage in grooves 8′ and 5′. Screw bolts and nuts pass vertically through the connection elements 9 and the stator support 8 and hold the stator stacks 5 in place on the stator support 8.

D3 shows (cf. figures 1 and 2) a guideway support 1 for track-bound vehicles, wherein the stator stack 4 is positively connected to a fork-like endpiece 12 with a grooved crossbar 11. The endpiece 12 is connected to the stator support 8 horizontally crosswise to the guideway support by means of a

spring pin 17 which engages via the stator stack 4.

5. Claims 2 to 16 are dependent on claim 1 and therefore likewise meet the PCT novelty and inventive step requirements.

6. The subjects of claims 1 to 16 are industrially applicable (PCT Article 33(4)).